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## Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND COURTHOUSE)**

AMITABHO CHATTOPADHYAY, UNITE THE PEOPLE, individually and on behalf of all others similarly situated.

Case No. 4:19-cv-01541-JST

The Honorable Jon S. Tigar

## Plaintiffs,

**ANSWER TO COMPLAINT BY  
DEFENDANTS SIMPLE FINANCE  
TECHNOLOGY CORP. AND COMPASS  
BANK**

BBVA COMPASS BANCSHARES, INC.,  
SIMPLE FINANCE TECHNOLOGY  
CORP., BBVA COMPASS FINANCIAL  
CORPORATION, and COMPASS BANK,

Complaint Filed: March 25, 2019

## Defendants.

1                   Defendants Simple Finance Technology Corp. and BBVA USA, dba BBVA, formerly  
2 known as Compass Bank, dba BBVA Compass (the “Answering Defendants”) answer the  
3 class action Complaint filed by Plaintiff Amitabho Chattopadhyay (“Plaintiff”) as follows:

4                   **RESPONSE TO INTRODUCTION**

5                   1.        In answering this paragraph, the Answering Defendants admit that Plaintiff  
6 filed this lawsuit, but deny the remaining allegations.

7                   2.        In answering this paragraph, the Answering Defendants deny the allegations.

8                   **RESPONSE TO PARTIES**

9                   3.        In answering this paragraph, the Answering Defendants admit Plaintiff is the  
10 plaintiff in this case, but lack sufficient information to admit or deny the remaining  
11 allegations of this paragraph and on that basis deny them.

12                  4.        In answering this paragraph, the Answering Defendants lack sufficient  
13 information to admit or deny the allegations of this paragraph and on that basis deny them.

14                  5.        In answering this paragraph, the Answering Defendants admit that BBVA  
15 Compass Bancshares is a Texas corporation and deny the remaining allegations.

16                  6.        In answering this paragraph, the Answering Defendants deny the allegations.

17                  7.        In answering this paragraph, the Answering Defendants deny the allegations.

18                  8.        In answering this paragraph, the Answering Defendants admit that Simple  
19 Finance Technology Corp. has customers based in California and deny the remaining  
20 allegations.

21                   **RESPONSE TO JURISDICTION AND VENUE**

22                  9.        In answering this paragraph, the Answering Defendants admit that this Court  
23 has subject matter jurisdiction over the claims asserted in the Complaint, and deny the  
24 remainder.

25                  10.       This paragraph calls for a legal conclusion to which no response is required.  
26 To the extent a response is required, the Answering Defendants deny the allegations.

27                  11.       In answering this paragraph, the Answering Defendants deny the allegations.

28                  12.       In answering this paragraph, the Answering Defendants lack sufficient

1 information to admit or deny and therefore deny the allegations.

2 13. In answering this paragraph, the Answering Defendants lack sufficient  
3 information to admit or deny the allegations and on that basis deny.

4 **RESPONSE TO FACTUAL BACKGROUND**

5 14. In answering this paragraph, the Answering Defendants lack sufficient  
6 information to admit or deny the allegations and on that basis deny.

7 15. In answering this paragraph, the Answering Defendants lack sufficient  
8 information to admit or deny the allegations and on that basis deny.

9 16. In answering this paragraph, the Answering Defendants deny the allegations.

10 17. In answering this paragraph, the Answering Defendants deny the allegations.

11 18. In answering this paragraph, the Answering Defendants deny the allegations.

12 19. In answering this paragraph, the Answering Defendants lack sufficient  
13 information to admit or deny and on that basis deny.

14 20. In answering this paragraph, the Answering Defendants deny the allegations.

15 **RESPONSE TO CLASS ACTION ALLEGATIONS**

16 21. This paragraph calls for a legal conclusion to which no response is required.  
17 To the extent a response is required, the Answering Defendants admit Plaintiff attempts to  
18 define a class but deny the remaining allegations in this paragraph and its subparts.

19 22. In answering this paragraph, the Answering Defendants deny the allegations  
20 contained therein.

21 23. In answering this paragraph, the Answering Defendants deny the allegations.

22 24. In answering this paragraph, the Answering Defendants deny the allegations.

23 25. In answering this paragraph, the Answering Defendants deny the allegations.

24 26. In answering this paragraph, the Answering Defendants deny the allegations.

25 27. In answering this paragraph, the Answering Defendants deny the allegations.

26 28. In answering this paragraph, the Answering Defendants deny the allegations.

27 29. In answering this paragraph, the Answering Defendants deny the allegations.

28 30. In answering this paragraph, the Answering Defendants deny the allegations.

## **RESPONSE TO FIRST CAUSE OF ACTION**

31. The Answering Defendants incorporate their allegations in paragraphs 1 through 30 as if fully restated here.

32. In answering this paragraph, the Answering Defendants admit Plaintiff purports to represent a class and deny the remaining allegations.

33. In answering this paragraph, the Answering Defendants deny the allegations.

34. In answering this paragraph, the Answering Defendants admit the allegations.

35. In answering this paragraph, the Answering Defendants lack sufficient information to admit or deny.

36. In answering this paragraph, the Answering Defendants deny the allegations.

37. In answering this paragraph, the Answering Defendants deny the allegations.

38. In answering this paragraph, the Answering Defendants deny the allegations.

39. In answering this paragraph, the Answering Defendants deny the allegations.

40. In answering this paragraph, the Answering Defendants deny the allegations contained therein.

41. In answering this paragraph, the Answering Defendants deny the allegations.

## **RESPONSE TO SECOND CAUSE OF ACTION**

42. The Answering Defendants incorporate their allegations in 1 through 41 as if fully restated here.

43. In answering this paragraph, the Answering Defendants admit Plaintiff purports to represent a class and deny the remaining allegations.

44. In answering this paragraph, the Answering Defendants deny the allegations.

45. In answering this paragraph, the Answering Defendants admit the allegations.

46. In answering this paragraph, the Answering Defendants lack sufficient information to admit or deny.

47. In answering this paragraph, the Answering Defendants lack sufficient information to admit or deny.

48. In answering this paragraph, the Answering Defendants lack sufficient

1 information to admit or deny the allegations.

2 49. In answering this paragraph, the Answering Defendants deny the allegations.

3 50. In answering this paragraph, the Answering Defendants deny the allegations.

4 51. In answering this paragraph, the Answering Defendants deny the allegations.

5 52. In answering this paragraph, the Answering Defendants deny the allegations.

6 53. In answering this paragraph, the Answering Defendants deny the allegations.

7 54. In answering this paragraph, the Answering Defendants deny the allegations.

8 The Answering Defendants deny each and every other allegation, conclusion,  
9 statement, request, prayer for relief or other provision contained in the Complaint not  
10 specifically admitted or controverted herein, including each and every separate paragraph of  
11 the "Wherefore" clauses contained in the Complaint.

12 **AFFIRMATIVE DEFENSES**

13 Without waiving or excusing the burden of proof of Plaintiff, or admitting that the  
14 Answering Defendants have any burden of proof, Defendants hereby assert the following  
15 affirmative defenses. The Answering Defendants expressly reserve the right to assert any and all  
16 other defenses that may be determined to exist throughout the course of this Action.

17 **FIRST AFFIRMATIVE DEFENSE**

18 **(Failure to State a Claim)**

19 1. As a first separate and affirmative defense to the causes of action in the  
20 Complaint, Answering Defendants allege that the Complaint fails to state a claim upon which  
21 relief can be granted.

22 **SECOND AFFIRMATIVE DEFENSE**

23 **(Failure to Mitigate)**

24 2. As a second separate and affirmative defense to the causes of action in the  
25 Complaint, Answering Defendants allege that Plaintiff's and the putative class members'  
26 claims are barred, in whole or in part, due to their failure to mitigate their damages, if any.

### **THIRD AFFIRMATIVE DEFENSE**

## **(Alleged Discrimination Permitted by Statute or Public Policy)**

3. As a third separate and affirmative defense to the causes of action in the Complaint, Answering Defendants allege that Plaintiff's and the putative class members' claims are barred because the alleged discrimination is permitted by statute or public policy.

## **FOURTH AFFIRMATIVE DEFENSE**

### **(Legitimate Business Interest)**

8       4.     As a fourth separate and affirmative defense to the causes of action in the  
9     Complaint, Answering Defendants allege that Plaintiff's and the putative class members'  
10    claims are barred because Answering Defendants had a legitimate business interest and valid  
11    business purpose in complying with their obligations under the Bank Secrecy Act.

## **FIFTH AFFIRMATIVE DEFENSE**

**(Standing)**

14 5. As a fifth separate and affirmative defense to the causes of action in the  
15 Complaint, Plaintiff's and the putative class members' claims are barred because they lack  
16 standing.

## **SIXTH AFFIRMATIVE DEFENSE**

### **(Important Public Policy)**

19       6.     As a sixth separate and affirmative defense to the causes of action in the  
20 Complaint, Answering Defendants allege that Plaintiff's and the putative class members'  
21 claims are barred because the actions complained of were necessary to further the public  
22 policies expressed in the Bank Secrecy Act.

## **SEVENTH AFFIRMATIVE DEFENSE**

### **(Statute of Limitations)**

25       7.      As a seventh separate and affirmative defense to the causes of action in the  
26 Complaint, Answering Defendants allege that Plaintiff's and the putative class members'  
27 claims are barred by the applicable statutes of limitations, including but not limited to,  
28 California Code of Civil Procedure §§ 335.1, 338, and 340 and 28 U.S.C. § 1658.

## **RESERVATION OF RIGHTS**

The Answering Defendants expressly reserve the right to amend this Answer or allege additional affirmative defenses after conducting further discovery, investigation, and research.

## **PRAYER FOR RELIEF**

WHEREFORE, the Answering Defendants pray for judgment in their favor as follows:

6           1. Plaintiff have and recover nothing;

7           2. Any request for class certification be denied;

8           3. Judgment of dismissal in favor of the Answering Defendants and against Plaintiff;

9           4. For costs of suit and reasonable attorneys' fees as may be recoverable under claims

10 asserted by Plaintiff; and

11           5. For such other and further relief as this Court may deem just and proper.

Dated: December 9, 2019

**KATTEN MUCHIN ROSENMAN LLP**

By:                    /s/ Gregory S. Korman

## Attorneys for Defendants